



Supreme Court of Wisconsin

OFFICE OF LAWYER REGULATION
110 EAST MAIN STREET, SUITE 315
MADISON, WI 53703-3383
www.wicourts.gov/olr

DIRECTOR
KEITH L. SELLEN

Telephone: (608) 267-8921
Toll Free: (877) 315-6941 – Ext. 3
Fax: (608) 267-1959

April 24, 2019

Clerk of Supreme Court
ATTN: Deputy Clerk – Rules
P.O. Box 1688
Madison, WI 53701-1688

Re: OLR Comments on Petition 19-04

Dear Deputy Clerk:

I write on behalf of the Office of Lawyer Regulation (OLR) regarding Rule Petition 19-04, Petition of the OLR Procedure Review Committee's Subcommittee on Referees for an order repealing and recreating SCR 21.08 and amending SCR 21.11(4), SCR 22.09(2), SCR 22.13(3), SCR 22.16(6), SCR 22.25(6)(c), SCR 22.30(1), SCR 22.34(10), and SCR 22.36(5). (Referee Appointment and Training). OLR respects the subcommittee's thoughtful consideration and recommendations, and appreciates the opportunity to provide information during the study.

OLR has reviewed Petition 19-04 and offers the following information. For disciplinary cases the Court decided in 2017 and 2018, the Court reviewed the reports of 17 different referees. Enclosed is a list of those referees and the number of reports each filed for cases decided 2017-18. OLR perceives the current panel to which cases are assigned has been adequate for the number of cases, and to provide for the timely and effective completion of the work

OLR believes that the Petition's proposals for referee training and for amending SCR 22.16(6) will improve the quality and timeliness of the process.

OLR recommends, with regard to section 6 of the petition, that SCR 22.25(6)(c) be repealed rather than amended, and that SCR 22.25(6)(b) be amended by adding a sentence at the end: "The panel's decision to dismiss after resubmission is final and there is no further review." OLR notes that a similar provision in SCR 22.08 was repealed by Order No. 04-01, dated May 14, 2004 (2004 WI 54). Adopting this recommendation would bring the Special Preliminary Review Panel process into conformity with the Preliminary Review Committee process. OLR believes that the current provision in SCR 22.25(6)(c) has not been used. In addition, the provision is not required to protect the interests of a grievant because the special investigator would have already presented the grievant's concerns for a finding of cause to proceed twice.

Very truly yours,


Keith L. Sellen
Director

Enclosure

Cases Decided by Court 2017–2018 - Referee Reports

Referee Goodman - 11

Referee Murphy – 7

Referee Mohr - 6

Referee Eich - 5

Referee Winiarski – 5

Referee Boll – 4

Referee Schweitzer - 3

Referee Beatty – 2

Referee Esenberg – 2

Referee Erickson – 2

Referee Flynn - 2

Referee Curtis - 1

Referee Dugan - 1

Referee Fiorenza - 1

Referee Goldman - 1

Referee Peterson - 1

Referee Taylor - 1